

EX PARTE OP LATE FILED 03-128

Frank Stilwell**From:** Jo Reese [Jo@ainw.com]**Sent:** Monday, February 16, 2004 10:55 PM**To:** Charlene Vaughn, Alan Downer, Bobeck, Ann, Clark, John F. - WDC, Javier Marques, Jay Keithley, John Fowler, NATHPO, schamu@sso.org, Valerie Hauser, Andrea Williams, Andrea Bruns, Bambi Kraus, Betsy Merritt, Frank Stilwell, Sheila Burns, Roger Sherman, gsmith@johnstondc.com, jmartin@usetinc.org, jfowler@erols.com**Subject:** RE: ACHP Identification Proposal following the 2/12 TWG Drafting Group meeting

Charlene, thank you for the hard work in preparing this draft section of the PA. I will be joining you for the teleconference

I have one question/comment that I would like to ask ahead of time, although it can be addressed during the conference call. My other questions can wait for the full discussion.

Q In D 1, the third line, it includes "archaeological sites" in the types of historic properties that would be included on the "list" prepared under C. I do not believe that archaeological sites would be included in the list prepared under C, which is focused on visual effects, so I suggest it be deleted in D 1. (Also, archaeological files are usually restricted, and if the PA does not require that professionals compile the list, then the PA cannot expect archaeological sites to be in the list.) I may be missing the point, however, and look forward to how this actually will work.

Thank you

Jo Reese
Chair, ACRA Cell Tower Subcommittee

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From: Charlene Vaughn [mailto:cvaughn@achp.gov]**Sent:** Friday, February 13, 2004 4:01 PM**To:** Alan Downer; Bobeck, Ann; Clark, John F. - WDC; Javier Marques; Jay Keithley; John Fowler; NATHPO; schamu@sso.org; Valerie Hauser; Andrea Williams; Andrea Bruns; Bambi Kraus; Betsy Merritt; Frank Stilwell; Jo Reese; Sheila Burns; Roger Sherman; gsmith@johnstondc.com; jmartin@usetinc.org; jfowler@erols.com**Subject:** ACHP Identification Proposal following the 2/12 TWG Drafting Group meeting

Hello Drafting Committee

I hope that this e-mail is waiting for you on Tuesday morning and that you have had a wonderful weekend.

The teleconference call-in information is as follows:

Date	Tuesday, February 17, 2004
Time	11:00 a.m. until 12:30 p.m. (est)

No. of Copies rec'd 2
List ABCDE

2/20/2004

Dial-in number 888-387-8686
Access No 7120435, then press #

In preparation for the teleconference, I am attaching the ACHP's revised language for *Section IV, Identification and Evaluation*, of the draft FCC Nationwide Programmatic Agreement. While we were unable to reach agreement regarding all aspects of the changes needed to streamline the identification process during Thursday's meeting, I believe that we made significant progress in certain areas. Building upon the points of agreement, John Fowler, Valerie Hauser and I prepared revised language that achieves the following goals.

1. Eliminates the need for surveys for visual effects.
2. Allows applicant to use their discretion regarding the use of qualified professionals when preparing the list of historic properties for visual effects.
3. Limits the sources to be considered when identifying historic properties within the area of potential effect for visual effects.
4. Clarifies the role of Indian tribes and Native Hawaiian organizations in the identification process for visual effects if they agree to consult with applicants.
5. Allows the SHPO/THPO to add properties to the list of identified properties for visual effects when such properties are a) located within the area of potential effect, b) included in the SHPO inventory, and c) meet the National Register criteria.
6. Allows the ACHP to have a role in the resolution of disputes regarding identification and evaluation.

There are obviously other issues that require further negotiation. However, we are hopeful that at the outset of Tuesday's teleconference such issues can be identified and the major concerns clearly articulated. Since we only have until **Thursday, February 19th** to finalize the language that will be submitted to FCC, we would like all parties to be given the opportunity to share their comments and suggest changes that advance the overall goal of improving the eligibility process for telecommunications activities

Thanks for all the hard work you have put into this task. It has been quite challenging. Nonetheless, I hope that at the end of this process we can all see the benefits of our collaboration.

Charlene